

July 29, 2004

Chairman Michael Powell  
Federal Communications Commission  
455 12th Street, SW  
Washington, DC 20554

Dear Chairman Powell:

A recent Federal Communication Commission Notice of Proposed Rulemaking (MB Docket No. 04-232) sought comments on whether broadcasters should be required to maintain archives of programming in order to aid the Commission in investigating charges of indecent programming.

There are other compelling reasons to consider instituting such a program retention requirement that would place recordings of recently aired programs in the public file. Activist organizations and researchers whose mission it is to investigate whether the media are living up to their public interest obligations have long found it difficult to capture local programming, even over short periods of time. However this type of research is critical to helping both the Commission and local citizens determine whether licensees are serving the “public interest, convenience and necessity.” As James Snider noted in a 2000 paper in the Harvard International Journal of Press/Politics:

“[The] role of the political communication scholar is to keep the media accountable to the public. But just as the media have great difficulty keeping the government accountable without accessible and affordable government records, political communication scholars have the same difficulty in regard to the media without accessible and affordable media records. ...A news archive is a way to empower the private sector to keep news providers accountable for their public largesse and their public trust.”

As it stands now, only media researchers with extensive resources can afford to capture and analyze local programming on a systematic basis. This makes it extremely difficult to evaluate broadcasters’ performance on a range of issues: children’s educational programming; public affairs programming; civic and electoral discourse; the impact of voice tracking; programming that serves underprivileged communities; et cetera.

A mandated programming archive would not impose an unreasonable financial burden on broadcast stations. A VHS-quality audio-video archive of a television station’s locally produced programming maintained for a 60-day period would, at most, cost a few thousand dollars per year. An archive of only the closed-captioning transcripts of such programming would be less than \$1 per year, per station, according to Snider. (We urge the Commission to review Snider’s paper in full for a discussion of the copyright and fair use laws that would come into play should a programming archive be mandated.)

We strongly urge the Commission to move forward on a rulemaking that would require broadcasters to maintain an archive of recently aired programming, and to place those recordings in the public file so that they are open for public inspection. We believe that such an action would be in the public interest, as it would provide opportunities for citizens, activists and media scholars to provide the Commission with data on whether stations are meeting the needs of their communities.

Sincerely,

Meredith McGehee, President and Executive Director, Alliance for Better Campaigns

Charles Benton, Chairman and CEO, Benton Foundation

Trevor Potter, President and General Counsel, Campaign Legal Center

Martin Kaplan, Associate Dean, Annenberg School for Communication at the University of Southern California and Director, The Norman Lear Center